

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**CHARLOTTE SMITH; CHANDLER SMITH,
a child, by his mother Charlotte Smith;
DARIUS SMITH, a child by his mother
Tajuana Smith, guardian**

PLAINTIFFS

VS.

CAUSE NO. 1:07-cv-00113-MPM-JAD

**BRANDON PRESLEY, MAYOR OF NETTLETON,
MISSISSIPPI, 38858; TOMMY ADAMS,
POLICE CHIEF OF NETTLETON;
GERRY TURNER, POLICE OFFICER**

DEFENDANTS

DISCLOSURE OF CORE INFORMATION

COMES NOW Plaintiff Charlotte Smith with respect to Defendants and files this her Preliminary Disclosure of Core Information with the Court and with the Defendants and would respectfully apologize for any delays in getting it filed due to recent illness of Counsel for Plaintiff and also recent resignation of two out of three employees in the office including the sole employee who know how to electronically file documents.

Plaintiff's report states that the known witnesses are the following:

Charlotte Smith, her two children, the mother, Counselor whose report and evaluation and name have not yet been determined, probably additional witnesses that were at the scene and have not been determined yet and there is a tape of the trial which was provided to the Municipality's insurance carrier. All documentary evidence at this time is being submitted as

part of this Pre-Core Discovery.

Plaintiff alleges that she was wrongfully arrested and later found not guilty by the Municipal Judge. Plaintiff alleges that the Police Officer was not properly supervised and the City failed to maintain proper control over its Police Officers and proper management policies.

It is believed that this Police Officer later went to work for the Sheriff's Department and is now no longer working for the City of Nettleton or the Lee County Sheriff's Department. The

Plaintiff is well educated and works in a professional capacity for a Home for Disabled People and

comes across as an extremely good witness. Her damages include the embarrassment of her arrest and going through this criminal proceeding and the Attorney fees she incurred and Plaintiff would state that the best case is probably that of the children. The Officer greatly over-reacted

through an apparent lack of supervision or training and started, without justification, spraying pepper spray at everyone around including at minor children. These children were traumatized and at least one of them has had to seek therapy with a Counselor for fear of Policemen.

Plaintiff believes that the greatest amount of damages is for damage to reputation and that of emotional distress and possibly also punitive damages. A small offer somewhere around \$2500 has been made by the City's insurance carrier. Plaintiffs believe this offer is absurd and ridiculous in light of the emotional appeal of this case. The filing of this case has nothing to do with the fact that the Mayor, who is the Democratic Nominee now for Public Service Commissioner. That has never been a factor in the filing of this suit. The Plaintiffs believe and ask for a Jury Trial in this case and believe a Jury may award substantial damages in excess of \$100,000 based upon the outrageous conduct by this Policeman and believe that a

settlement should be in the range of \$50,000 per child and perhaps \$25,000 for Charlotte Smith. Plaintiffs are prepared and ready to try this case sirr ply to see what a Jury would award based upon the factual circumstances of the entire case. It will not be an expensive case to try since the Plaintiffs already knows vhat the Officer is going to testify since the Trial was recorded on a tape recorder. Plaintiffs agree that there is a lot of emotional appeal and that a Jury may award a substantial judgment based upon the conduct of this Officer. Additional Discovery will probably reveal that the Mayor of this small town was very involved in the operation of the local Police Department since the town is a co-chartered city and the Mayor subject to the approval of the Board of Alderman appoint the Chief of Police and the Mayor supervises him.

10/01/07
DATE

/s/Gene Barton
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